

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: December 10, 2013
SUBJECT: BZA Case 18681, 3008 K Street, S.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the continuation of the following special exception use:

- § 205, Child Development Center.

Subject to the following conditions¹:

1. Approval shall be for a period of **THREE (3) YEARS**, beginning on the date upon which this order became final.
2. The hours of operation of the child development center shall not exceed 6:30 a.m. until 6:30 p.m., Monday through Friday.
3. The maximum enrollment shall not exceed 15 children, and the number of staff shall not exceed three.
4. The applicant shall ~~maintain a screening buffer along the entire length of the eastern property line of the subject property.~~ plant fourteen Green Spire Euonymus along the eastern lot line to buffer the use from the adjoining residence.
5. The applicant shall ~~not install signage on the property, including on the building, indicating the location of a child development center.~~ be permitted one non-illuminated flush-mounted outdoor sign, no more than 144 square inches in area.
6. The applicant shall maintain the property in a clean and orderly condition, including the regular upkeep of all landscaping, regular removal of trash, and property storage of play equipment when the child development center is not in operation.

II. LOCATION AND SITE DESCRIPTION

Address	3008 K Street, S.E.
Legal Description	Square 5482, Lots 8 and 9
Ward	7
Lot Characteristics	Trapezoidal lot with rear alley access
Zoning	R-2 – one-family detached and semi-detached dwellings.
Existing Development	One-family detached dwelling used as a child development center

¹ Strikethrough indicates language to be deleted; underline indicates language to be added.

Adjacent Properties	North: Across public alley, small apartment buildings South, East and West: one-family detached dwellings
Surrounding Neighborhood Character	Low density residential, but also including small apartment buildings

III. HISTORY

BZA Order 18074 became final on December 23, 2010 and approved the use of the subject property as a child development center for three years for up to fifteen children and three employees, subject to six conditions, as shown above. That order expires on December 23, 2013.

On September 16, 2013 the applicant was issued a temporary certificate of occupancy (C of O) to permit the use. That C of O expired on October 15, 2013. A second temporary C of O was issued on October 8, 2013, with an expiration date December 6, 2013.

On October 8, 2013 the applicant filed an application to permit the continuation of the use as previously approved, but with changes to condition numbers 4 and 5, as described Section I above.

IV. APPLICATION IN BRIEF

The applicant requests the renewal of special exception as approved in 2010, but requests modifications to condition numbers 4 and 5. In place of the screening buffer the applicant proposes to plant fourteen Green Spire Euonymus shrubs. The applicant also desires to place a sign on the property to identify the business.

V. OFFICE OF PLANNING ANALYSIS

i. Special Exception Relief pursuant to §205, Child/Elderly Development Centers.

In 2010 the Board found the proposed center to be in conformance with the provisions of this section.

205.2 The center or facility shall be capable of meeting all applicable code and licensing requirements.

The center has been operating since September and the Office of the State Superintendent of Education submitted a letter to the file dated November 6, 2013 recommending that the new application be granted.

205.3 The center or facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance.

The subject property continues to be located on a lightly traveled one-way residential street improved with sidewalks, with parking permitted on both sides. Parents would continue to walk their children to and from the center for pick-up and drop-off.

205.4 The center or facility shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.

The previous order did not require the provision of any off-street parking spaces, as the Board found that there was sufficient on-street parking. The subject application makes no changes to the number children or staff. Therefore, the Office of Planning continues find that no off-street parking need be provided.

205.5 The center or facility, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions.

The previous order required a screening buffer be provided along the eastern property line, where the subject property adjoins the side yard of a one-family detached dwelling, in response to concerns from that neighbor. A bamboo screen was placed up against a four-foot high chain link fence in an attempt to satisfy this condition. The applicant now proposes to revise this condition to permit her to plant fourteen Green Spire Euonymus shrubs along the eastern property line. These shrubs grow to between six and eight feet in height. OP finds that the planting of these shrubs would better buffer the adjoining yard, and therefore recommends that Condition Number 4 be revised to require these plantings instead.

205.6 The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.

The previous order approved use on condition that no signage be permitted, in response to concerns from the community that signage would alter the look of the neighborhood. The applicant now requests that a sign be permitted to assist potential employees and clients to find the center. In response OP recommends that one flush-mounted non-illuminated sign be permitted, no more than 144 square inches in size. This is similar to what is permitted under Section 203.5 for home occupations, and therefore should not alter the look of the neighborhood.

205.7 Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at center or facility in traveling between the play area and the center or facility itself.

No off-site play area is proposed.

205.8 The Board may approve more than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility only when the Board finds that the cumulative effect of these facilities will

not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

One other day care center is located within 1,000 feet of the subject property, and the Board found in the previous application that the cumulative effect of the two child development centers would not have an adverse impact on the neighborhood.

205.9 Before taking final action on an application for use as a child/elderly development center or adult day treatment facility, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports.

No comments were received from DDOT. Comments from Office of the State Superintendent of Education are described below.

205.10 The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center or facility can meet all licensing requirements set forth in the applicable laws of the District of Columbia.

The Office of the State Superintendent of Education submitted a letter to the filed dated November 6, 2013 recommending that the application be granted and that licensure capacity would be based on the issued Certificate of Occupancy.

ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal is in conformance with the provisions of Section 205 for a child day care center within the R-2, and would provide an amenity to families within this residential community.

iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposal is for the continuation of a previously approved child development center. The provision of a Green Spire Euonymus hedge would buffer the subject property from the adjoining property to the east. As the use only recently received a certificate of occupancy, OP continues to recommend a three-year time limit on the approval, should there be an adverse effect on the neighborhood from the proposed use.

VI. COMMUNITY COMMENTS

The applicant informed the Office of Planning that ANC 7B, at its regularly scheduled meeting of November 21, 2013 voted not to support the application.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

OSSE, in a memorandum dated November 6, 2013, recommended approval of the application.

Attachment: Location Map

